

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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File in the appropriate
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.606(b),) MM Docket No. _____
Table of Allotments,) RM- _____
Television Broadcast Stations)
(Boulder City, Nevada))

To: The Chief, Allocations Branch

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PETITION FOR RULE MAKING

Sinclair Communications of Boulder City, Inc. ("Petitioner"), by its attorneys and pursuant to Sections 1.401 and 73.3572 of the Commission's rules, hereby petitions the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 27 to the Boulder City, Nevada television market. As discussed below, the allotment of Channel 27 to Boulder City would further the Commission's goal of providing the community with its first full-service television allocation. Petitioner is simultaneously filing a petition for waiver of the temporary TV freeze. Petitioner is also simultaneously filing an FCC Form 301 application specifying Channel 27 at Boulder City and requesting a waiver of the contingent application rule. That application signifies Petitioner's intent to promptly build the station if its application is granted.

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BACKGROUND

1. Section 307(b) of the Communications Act, as amended, requires that channel the Commission distribute frequencies among the several states and communities so as “to provide a fair, efficient and equitable distribution.” Boulder City, Nevada easily qualifies as a community for allotment purposes.

2. Boulder City, Nevada is an incorporated community of 14,700 according to the 1990 U.S. Census. Boulder City has its own post office and government which consists of a city manager and city council, and obtains revenues from county and state taxes. In addition, Boulder City has its own fire and police departments as well as its own utilities which include water, sewage, electricity and garbage collection. There are four schools in Boulder City which include a high school, a middle school and two elementary schools. Boulder City also has financial institutions, a community hospital, a non-commercial airport, retail establishments and approximately fifteen churches.

DISCUSSION

3. The Commission has long held that the provision of at least one television broadcast station to a community is paramount with regard to its television allotment priorities. Amendment of the Commission’s Rules, Regulations and Engineering Standards Concerning the Television Broadcast Service, Sixth Report and Order, 41 FCC 148, 167 (1952). Boulder City has no full-time commercial television station despite the fact that it clearly qualifies as a community for allotment purposes, as detailed above. The allotment of Channel 27 to Boulder City would further the Commission’s decades-

old television allotment goal of providing a full-service television broadcast station to the community.

4. In addition to furthering the Commission's television allotment priorities, the allotment of Channel 27 to Boulder City is consistent with the Commission's rules regarding minimum spacing requirements. As detailed in the attached Engineering Statement, the allotment of Channel 27 to Boulder City would not violate the minimum spacing requirements.

5. Petitioner is requesting a waiver of the Commission's "temporary" freeze of television allotments in some areas of the nation. See Advanced Television Systems (Freeze of TV Table of Allotments), 76 RR 2d 843 (1987). As demonstrated in the Petition, a compelling public interest justification exists for granting a waiver of the freeze.

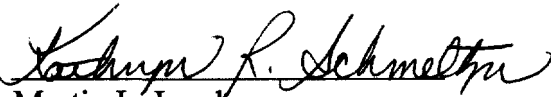
6. Petitioner has demonstrated that: (1) Boulder City is a community for allotment purposes; (2) the allocation of Channel 27 to Boulder City would further the Commission's long-standing goal of providing a first local television service to a community; (3) the allotment of Channel 27 would not violate the Commission's minimum spacing requirements between television stations; and (4) the Commission's temporary freeze of television station allotments in select markets should be waived so as to permit the allotment of Channel 27 to Boulder City. Finally, Petitioner has submitted an application for Channel 27 if it is allotted to Boulder City and will promptly build the station if its application is granted.

CONCLUSION

WHEREFORE, the premises considered, Sinclair Communications of Boulder City, Inc. respectfully requests the Commission to issue a Notice of Proposed Rule Making to amend Section 73.606(b), Table of Allotments, Television Broadcast Stations, to add Channel 27 to Boulder City, Nevada.

Respectfully submitted,

**SINCLAIR COMMUNICATIONS, OF
BOULDER CITY, INC.**

By: 

Martin L. Leader

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Its Attorneys

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July 24, 1996

WES, INC.
5925 CROMO DR.
EL PASO, TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

For Boulder City, NV
CH 27

JUNE 14, 1996

**ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS**

WES, INC.

DECLARATION

I, Pete E. M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The National Association of Radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'Pete E. M. Warren III', with a large, sweeping loop at the end.

Pete E. M. Warren III

Executed on the 14th day of June, 1996

Narrative Statement

I. General

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 27 at Boulder City, NV. The proposed channel has no short-spacing, as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION

A. Proposed site:

We propose a site located at the following coordinates:

Latitude: 35 56 44

Longitude: 115 02 33

The allocation can be made within a wide area.

B. Channel Allocation Study

Exhibit 1 is a Channel Allocation Study of channel 27. The study indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

Exhibit 2 is a map of the resulting arcs indicating minimum separation and a large circle zone showing area to locate.

C. Public Interest Showing:

1. This would be the first allotment to Boulder City, NV. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.

2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner request that the TV Table of Assignments be amended as follows:

City	Present	Proposed
Boulder City, NV	None	27o



Pete E.M. Warren III

June 14, 1996

EXHIBIT #1

CHANNEL ALLOCATION STUDY

TV CHANNEL SPACING STUDY

by WES Inc.

Job title: BOULDER CITY

Latitude: 35 56 44

Channel: 27

Longitude: 115 2 33

Database file name: c:\tvsrc\tv960524.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
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***** End of channel 27 study *****

CERTIFICATE OF SERVICE

I, Margie Sutton Chew, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"PETITION FOR RULE MAKING"** was sent by hand-delivery this 24th day of July, 1996, to the following:

John A. Karousos
Federal Communications Commission
2000 M Street, N.W.
Room 554
Washington, D.C. 20554



Margie Sutton Chew